

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JUSTIN MATTHEW ANEST,  
Plaintiff,  
vs.  
DOCTOR KENNEDY,  
Defendant.

NO. CV-06-219-FVS

ORDER DENYING MOTIONS AND CLOSING  
FILE

By Order filed August 14, 2006, the court granted Plaintiff leave to voluntarily dismiss this action pursuant to Fed. R. Civ. P. 41(a). On August 10, 2006, the court received Plaintiff's "Motion to Dismiss" indicating he had received medical care and did not wish to proceed with this action. This action was dismissed without prejudice and administratively closed. No filing fee was assessed or collected.

On August 15, 2006, the court received from Plaintiff a "Motion to Refile Case" in which he indicated he had again been denied medical attention and wished to proceed in filing this case. This action, however, had already been closed. Accordingly, **IT IS ORDERED** Plaintiff's Motion (Ct. Rec. 10) is **DENIED** without prejudice to Plaintiff filing a new and separate action once he has exhausted all available administrative remedies. Plaintiff is free to file a new and separate complaint if he wishes to do so.

1 On September 1, 2006, the court received another Motion to  
2 Dismiss from Mr. Anest (Ct. Rec. 11). For the reasons set forth  
3 above, that Motion is **DENIED as moot.**

4 **IT IS SO ORDERED.** The District Court Executive is directed to  
5 enter this Order, forward a copy to Plaintiff, and administratively  
6 close this file. Any pending motions are denied as moot.

7 **DATED** this 13th day of September 2006.

8  
9 s/ Fred Van Sickle  
10 FRED VAN SICKLE  
11 UNITED STATES DISTRICT JUDGE  
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